

Mount Carmel, Utah.
April 26, 1946.

Mr. Ed. H. Watson, State Engineer,
Salt Lake City, Utah.



Dear Sir:

As secretary of the Mount Carmel Irrigation Co. I have been asked to write to you about the proposition of having a Water Commissioner appointed from your office to distribute the water to the persons and Companies who have the legal right to use the water in this area. We live on a stream known as the "East Fork of the Virgin River" which rises in Kane County and flows into the Virgin River just above Rockville in Washing County Utah. On the Decree issued by Judge Thos. H. Burton on Dec. 12, 1925, there are about 53 first, second, and third class water rights listed on this stream and it's tributaries. Most of these are rather independent of each other in that one water right has all of the water available from the one spring or tributary and whether they use their water or not has little effect on the others. These water users have never had occasion to call for the services of the Water Commissioner in the last fifty years.

An earlier Decree issued by Judge W. M. McCarty in April 1900 lists the rights of only 12 persons and Companies who recieve their water from the main stream and are very interdependent because if one gets more than it's rightful share the others get less water. These are the ones that the Water Commissioner has had to deal with through the years. When I was Water Commissioner in 1931 the State Engineer's office sent out assessment notices to all of the persons and Companies having a water right under the Burton Decree to raise the funds necessary to pay for the distribution of the water. I do not know what year this practice started or what year it ended but I do know that when these "Independent" water users found that they were being assessed to pay the Water Commissioner they paid their dues very grudgingly or not at all. Finally the State Engineer told the three Irrigation Companies that he would give his official appointment to the man of their choice but they would have to raise the money to pay his services in their own way.

That is why when we ~~was~~ trying to get a Water Commissioner appointed from your office last year we contacted only those water users who were to be affected and interested in the distribution of the water. But we also provided that if by some remote chance others in the area should call for the service of the Commissioner he would be availavle to help them but they would have to pay him a reasonable fee for the time he had to spend on thir special problem. This we thought was the most fair and reasonable arrangement. For some reason you didn't seem to favor this arrangement. Probably I am to blame for assumeing that you understood all the details and not taking the time and pains to explain the situation to you. Anyway you seemed to think that a small minority was trying to run the roost.

Perhaps if we had listed the names of the 150 and more stockholders of the Mount Carmel, Orderville, and Glendale Irrigation# Companies it might have looked different to you than just the names of their elected representatives. On the other hand we were appalled by your demand that we round up a majority of the water users in the whole

drainage area in order to hold a meeting to choose a Water Commissioner, because, as I mentioned above, only a very few of them are affected or have any reason at all to care whether ~~there~~ is a Commissioner or not.

However the time has come again when we must have a Water Commissioner or suffer the complete loss of our crops. We want to have him appointed from your office if possible so that he will have the full authority to act in that capacity. The purpose of this letter is to ask you to state once more the terms and conditions that we must meet in order to obtain your official sanction.

Our need is urgent. The flow of water is lower than it has been at this time of the year for a long time. Unless we have more storm than we usually get during the growing season the crops will suffer even with the fairest possible distribution of the available water. If there is no attempt at a fair and legal distribution the crops on the lower end will be a complete failure.

Last Fall the three Companies, Mt. Carmel, Orderville, and Glendale, installed five Parshall Flume measuring devices with the aid of the soil conservation service. These structures are of reinforced concrete, one at the head of each of the three companies canals. This should be a great aid to the Water Commissioner this year and from now on.

Please let me hear from you as soon as you can.

Yours truly,

Bert Gardner